

MASIMO.1FW1C4



b-20202
/ /
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Diab et al.) Group Art Unit
) 3736
Appl. No. :	09/757,444)
)
Filed :	January 9, 2001)
)
For :	SIGNAL PROCESSING)
	APPARATUS AND METHOD)
)
Examiner :	Eric Winakur)

TERMINAL DISCLAIMER

The undersigned is empowered to act on behalf of the Assignee, Masimo Corporation ("Assignee").

In accordance with 37 C.F.R. 3.73(b), Assignee represents that it is the owner by assignment of the above-referenced application which is a continuation of 6,036,642, issued March 14, 2000, which is a continuation of 5,769,785, issued June 23, 1998, which is a continuation of U.S. Patent No. 5,482,036, issued January 9, 1996, which is a continuation of U.S. Application No. 07,666,060, filed March 7, 1991, now abandoned, all by virtue of an assignment recorded at Reel No. 5720, Frame No. 0533 on March 7, 1991; Reel 7429, Frame 0674, recorded on February 10, 1995; and Reel 010043, Frame 006 recorded on June 21, 1999 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,482,036 issued on January 9, 1996 entitled "SIGNAL PROCESSING APPARATUS AND METHOD," U.S. Patent No. 6,206,830 issued on March 27, 2001 entitled "SIGNAL PROCESSING APPARATUS AND METHOD," and U.S. Patent No. 6,036,642 issued on March 14, 2000 entitled "SIGNAL PROCESSING APPARATUS AND METHOD" and hereby agrees that any patent so granted on the above-identified application shall

06/12/2002 EARREBY1 00000004 0975744
110.00 US
01 FC:148

Serial No : 09/757,444
Filed : January 9, 2001

be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from U.S. Patent Application Serial No. 6,482,036, U.S. Patent Application Serial No. 6,206,830 and U.S. Patent Application Serial No. 6,036,642. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 5,482,036, U.S. Patent No. 6,206,830 and U.S. Patent No. 6,036,642 and that of any patent issuing on the above-identified application in the event that any one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

MASIMO CORPORATION
2852 Kelvin Avenue
Irvine, CA 92614

Date: May 31, 2002

By: 
Massi E. Kiani
President and CEO

72-03

MASIMO.1FW1C4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
#12

Applicant : Diab et al.) Group Art Unit
) 3736
Appl. No. : 09/757,444)
)
Filed : January 9, 2001)
)
For : SIGNAL PROCESSING)
APPARATUS AND METHOD)
)
Examiner : Eric Winakur)

SUBSTITUTE TERMINAL DISCLAIMER

The undersigned is empowered to act on behalf of the Assignee, Masimo Corporation ("Assignee").

In accordance with 37 C.F.R. 3.73(b), Assignee represents that it is the owner by assignment of the entire right, title and interest in above-referenced application which is a continuation of 6,036,642, issued March 14, 2000, which is a continuation of 5,769,785, issued June 23, 1998, which is a continuation of U.S. Patent No. 5,482,036, issued January 9, 1996, which is a continuation of U.S. Application No. 07,666,060, filed March 7, 1991, now abandoned, all by virtue of an assignment recorded at Reel No. 5720, Frame No. 0533 on March 7, 1991; Reel 7429, Frame 0674, recorded on February 10, 1995; and Reed 010043, Frame 006 recorded on June 21, 1999 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,482,036 issued on January 9, 1996 entitled "SIGNAL PROCESSING APPARATUS AND METHOD," U.S. Patent No. 6,206,830 issued on March 27, 2001 entitled "SIGNAL PROCESSING APPARATUS AND METHOD," and U.S. Patent No. 6,036,642 issued on March 14, 2000 entitled "SIGNAL PROCESSING APPARATUS AND METHOD" and hereby agrees that any patent so granted on the above-identified application shall

Serial No : 09/757,444
Filed : January 9, 2001

be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from U.S. Patent Application Serial No. 6,482,036, U.S. Patent Application Serial No. 6,206,830 and U.S. Patent Application Serial No. 6,036,642. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 5,482,036, U.S. Patent No. 6,206,830 and U.S. Patent No. 6,036,642 and that of any patent issuing on the above-identified application in the event that any one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

MASIMO CORPORATION
2852 Kelvin Avenue
Irvine, CA 92614

Date: June 28, 2002

By: 
Massi E. Kiani
President and CEO

H:\DOCS\SCJ\SCJ-5033.DOC
053002